

U.S. DISTRICT COURT  
DISTRICT OF VERMONT  
FILED

## UNITED STATES DISTRICT COURT

2007 SEP 13 PM 4:03

DISTRICT OF Vermont

CLERK

BY

DEPUTY CLERK

In the Matter of the Search of  
(Name, address or brief description of person, property or premises to be searched)

22 Highland Avenue, Randolph, Vermont

APPLICATION AND AFFIDAVIT  
FOR SEARCH WARRANTCase Number: 2:07-mj-81I, William Gerke being duly sworn depose and say:I am a(n) Chief Deputy United States Marshal and have reason to believe  
Official Titlethat ☐ on the person of or ☒ on the property or premises known as (name, description and/or location)

22 Highland Avenue, a two-story red house, depicted in Attachment A

in the \_\_\_\_\_ District of Vermont

there is now concealed a certain person or property, namely (describe the person or property to be seized)

Firearms and ammunition

which is (state one or more bases for search and seizure set forth under Rule 41(b) of the Federal Rules of Criminal Procedure)

concerning a violation of Title 18 United States code, Section(s) 3

The facts to support a finding of probable cause are as follows:

See Attached Affidavit

Continued on the attached sheet and made a part hereof:

☒ Yes☐ No

Signature of Affiant

Sworn to before me and subscribed in my presence,

September 13, 2007

Date

at South Burlington, VT

City

State

JEROME J. NIEDERMEIER USMT

Name of Judge

Title of Judge

Signature of Judge

**AFFIDAVIT**

**A. Introduction**

After being sworn, I, William Gerke, depose and state:

1. I have been employed by the United States Marshal Service ("USMS") as a Deputy United States Marshal since approximately 1980. As defined by Title 28, United States Code, Section 566, my principal duties include, the "execut[ion of] all lawful writs, process, and orders issued under the authority of the United States, and [the authority to] command all necessary assistance to execute [my] duties."

2. While working for the USMS, I have participated in numerous fugitive investigations that have involved escape, aiding and abetting, accessory after the fact and false statements, in violation of federal and state laws. Accordingly, I am familiar with tactics fugitives use to avoid being arrested, and tactics other people use to intentionally prevent law enforcement officers from arresting fugitives.

3. Unless otherwise stated, the information contained in this affidavit was provided to me Chief Inspector Andre Labier, United States Marshal's Investigative Services Division.<sup>1</sup>

4. Based upon the facts that are described herein, I have

---

<sup>1</sup> Labier has been employed as a Deputy United States Marshal or a Chief Inspector by the United States Marshals Service for approximately twenty two years.

probable cause to believe that **ROBERT WOLFFE**, has committed a violation of 18 U.S.C. §3 (Accessory After the Fact),<sup>2</sup> and that fruits and instrumentalities, firearms, ammunition and other evidence of the offense is located inside Wolf's residence at 22 Highland Street in Randolph, Vermont. A photograph of the Wolffe's residence is attached hereto as "Attachment A."

#### **Facts**

5. On or about January 18, 2007, the last day of a trial that started on January 9, a jury returned verdicts convicting Edward Brown and Elaine Brown of conspiracy and a number of federal tax crimes.

6. The jury returned its verdict against Edward Brown in his absence. After the third day of evidence, January 11, 2007, Edward Brown returned to his and Elaine Brown's joint residence in Plainfield, N.H., and never came back to court. On January 12, 2007, a federal warrant was issued for Edward Brown's arrest based upon his failure to appear for the completion of his trial.

7. Elaine Brown also failed to appear for what was to be the fourth day of evidence but, after a brief continuance of the

---

<sup>2</sup>Section 3 of Title 18 provides, in relevant part:

Whoever, knowing that an offense against the United States has been committed, receives, relieves, comforts or assists the offender in order to hinder or prevent his apprehension . . . or punishment, is an accessory after the fact [and shall be guilty of an offense].

proceedings, she returned for the remainder of the trial. Shortly after her conviction, however, she was charged with violating conditions of her release pending sentencing by removing an electronic monitoring ankle bracelet and returning to her residence where Edward Brown remained. A federal warrant was issued for her arrest.

8. On April 24, 2007, Edward Brown and Elaine Brown were each sentenced to sixty-three (63) months in prison. Neither Edward Brown nor Elaine Brown appeared for the sentencing proceeding and the sentences against them were imposed in their absence.

9. While the Browns have been fugitives, officers of the United States Marshals Service have made efforts to arrest them. During the same period of time, the Browns have remained inside the boundaries of the property on which their home is located, and they have publicly stated their intention to forcibly resist any effort to arrest them.

10. While the Browns have been fugitives, they have used a number of public forums, including, but not limited to, television, newspaper, magazine and radio interviews as well as internet postings to publicly declare their intention to forcibly resist any effort to arrest them. They have also permitted a number of people who share their belief that there is no legal authority for the federal government to collect taxes, including **Robert Wolffe**, to

enter and remain in their home for varying periods of time.

11. **Robert Wolffe**, and his wife Valeri<sup>e</sup> Wolffe, are known long-time supporters of Edward and Elaine Brown. They have provided support with their physical presence and by bringing supplies to the Browns further enabling the Browns to avoid arrest.

12. **Robert Wolffe** and Edward Brown are members of the U.S. Constitution Rangers (USCR). Edward Brown is the former national commander of the USCR. **Robert Wolffe** is the commander of the Vermont Division of the USCR and has a personal website, [www.bobwolffe.com](http://www.bobwolffe.com). This website has a link to the US Constitution Rangers' homepage where the following is posted:

"The mission of the Constitution Rangers is to protect the US Constitution from enemies both foreign and domestic. If you are interested in more details contact Bob Wolffe at [wolffeman@comcast.net](mailto:wolffeman@comcast.net), or phone (802) 291-3303 Bob Wolffe Webpage [www.bobwolffe.com](http://www.bobwolffe.com)." **Robert Wolffe** is the registrant of the US Constitution Rangers website. Valeri Wolffe is the website's administrator. The e-mail address [wolffeman@comcast.net](mailto:wolffeman@comcast.net) is **Robert Wolffe's** e-mail address. Telephone number (802) 281-3303 is **Robert Wolffe's** telephone number.

13. Since the Browns' convictions **Robert Wolffe** and Valeri Wolffe have been regular and frequent visitors to the Browns. **Robert** and Valeri<sup>e</sup> **Wolffe** have been observed towing their 2002 Nash camper into the Brown's property on numerous occasions for

overnight visits. **Robert Wolfe** has been observed at the Browns with his work vehicle, a white van belonging to Leonard's Gas and Electric Service of Woodstock, Vermont.

14. **Robert Wolfe** works for Leonard's Gas and Electric of Woodstock, Vermont which is a commercial and residential propane distributor. **Wolfe** has been seen numerous times at the Brown property driving a Leonard's Gas and Electric company van. Most recently on August 27, 2007.

15. **Robert** and Valeri **Wolfe** have apparently provided a 1992 Chevrolet Caprice (Vermont registration "Wolfman") to the Browns. This vehicle is co-owned by Robert and Valeri Wolfe. The 1992 Chevrolet has been used to run errands and gather supplies for the Browns thus sustaining their efforts to avoid arrest.

16. On August 11, 2007, USMS observed James Hobbs, another known supporter of the Browns, driving the Wolfes' 1992 Chevrolet Caprice on Center of Town Road, Plainfield, New Hampshire coming from the area of the Browns' property. During the trip, USMS observed Hobbs making a cell phone call. Shortly after, **Robert Wolfe** appeared on scene conducting counter-surveillance and video taping USMS personnel. USMS personnel observed that **Robert Wolfe** was armed with a handgun during that event.

17. Aerial surveillance has observed the 1992 Chevrolet Caprice on the Browns property, most recently on August 13, 2007. The Wolfes' 1992 Chevrolet has routinely been used as a road

block, parked across the Browns driveway to prevent access to the residence. However, as of the submission of this Affidavit it is uncertain whether either the automobile is still on the Brown property.

18. **Robert Wolffe** has been observed on several occasions providing armed security at the Brown's property.

19. **Robert Wolffe** was interviewed on the Brown property by the a local newspaper, Valley News, on January 18, 2007. According to a Valley News article, during that interview Wolffe was armed with a 9mm handgun.

20. On July 14, 2007, **Robert Wolffe** was observed at the Brown's property providing armed security during a fund raising concert to benefit the Browns. During that event, **Robert Wolffe** and Roberts Jacobs confronted and photographed USMS personnel and vehicles. A photo of USMS personnel which appears to have been taken at that time was later posted on the internet.

21. On August 11, 2007 Robert Wolffe was armed while he conducted counter-surveillance and video taped USMS personnel.

22. On August 04, 2007 the following was posted on the web site Show Us The Inherent Law,

<http://questforfairtrialinconcordnh.blogspot.com/>,

"Saturday, August 04, 2007

Drop Spot For "Liberty Materials" Supporting the Browns

My fellow countrymen and woman your assistance is needed.

Have people send stuff for Ed and Elaine to me

Liberty Defense Project  
22 Highland Ave  
Randolph, VT 05060

Anything sent should be double wrapped. The outside label addressed to me, the inside label addressed to Ed and Elaine. It will be treated as personal and confidential. Only Ed and Elaine will know what is in the packages and envelopes I receive. I will see to it personally. As Commander of the VT Div. of the US Constitution Rangers I am bound by the Constitution to assure the privacy and security of the Brown's property that includes anything sent to them via US Mail, FedEx, UPS, etc.

Protecting your freedom and guarding the Constitution,  
Bob Wolffe, Commander USCR, VT. Div."

(W) <sup>23</sup>~~25~~. On August 4, 2007, the following was posted on the "Official: Ed Brown's Video Blog" internet site, <http://edbrownvlog.blogspot.com>:

"Saturday, August 04, 2007

11:28 AM - Supplies needed -- Here is the list!!!

Updated Supplies Requested 08-04-07

1. Reels of 15lb or greater fishing line bunches,
2. Split shot sinkers for fishing,
3. Solar powered motion lights,
4. Garage door opened protection switch you know the two beams you line up so the door doesn't close on anyone (battery operated preferred),
5. high power flashlights ac or dc,
6. night vision goggles,
7. smoke grenades you can get them @ <http://www.shomer-tec.com> about \$6 used to keep them dam deer flies away,
8. deer hunting protection vest season is right around the corner,
9. camo clothing any size and any color,
10. face paint, anything that signals when someone comes near it,
11. cardboard thicker the better,
12. roofing nails bigger better,
13. black and green spray paint,
14. loud sirens,



15. bull horns louder the better,
16. portable 12v car-lighter type power jack (they're about \$20-30)
17. 2 way radios not the ones that take AAA batteries Motorola preferably,
18. I cannot emphasize enough night vision goggles,
19. Any reading material to do with tactical training,
20. handheld scanners trunked if possible,
21. VID cameras (handheld) throw away cell phones with minutes and the phone written on it with a piece of tape,
22. clothesline rope you know this hot weather is perfect for drying outdoors and save on Ed's batteries and fuel,
23. parachute cord, flares and flares guns, the bigger the better,
24. OH YEAH, I forgot the number one most important thing, people to come and make a stand to their death if necessary to save our country.

Send these supplies to:

Liberty Defense Project  
22 Highland Ave  
Randolph, VT 05060

Please spare a little time and money and get these supplies to Ed and Elaine! They need these now, and this could be the difference between life and death. They're making the stand -- if you can't make it with them in body, please support them on the logistics side. Also, if you haven't registered at our site yet please do so NOW. You can do so by going here: [http://www.makethestand.com/account-new\\_user.html](http://www.makethestand.com/account-new_user.html) This way we can send you important alerts directly to your e-mail right when things happen.

Please recommend our site to 1-2 or more friends and ask them to register to join our email list as well. Thank you!  
<http://www.makethestand.com/recommend.html> "

24  
23. 22 Highland Ave, Randolph, VT 05060 is **Robert Wolfe's** home address.

25  
24. On August 13, 2007, UPS delivered a package from Western Trading / Army Surplus For Less, Englewood, Colorado to Liberty Defense Project, 22 Highland Ave, Randolph, VT 05060. The package

contained the following: H.S. Camo - Four Color Camo Compac; Super Doux Six Compartment Lead Shot Assortment (lead fishing weights); Danielson Plus 7 Monofilament Nylon Fishing Line - 20# Test yard spool; and G.I. Anglehead flashlight - Olive drab Size 2 D cell. These items appear to correspond to numbers 1, 2, 5, and 10 on the "Supplies Needed List" in paragraph <sup>13</sup>~~24~~ <sup>(14)</sup> above. <sup>26</sup>~~27~~ <sup>(15)</sup> On August 9, 2007, UPS delivered a package from Distribu Toys, Wheeling, Illinois to Liberty Defense Project, 22 Highland Ave, Randolph, VT 05060. The package contained four (4) solar powered security lights similar to that requested in item 3 on the "Supplies Needed List" in paragraph <sup>23</sup>~~29~~ <sup>(16)</sup> above.

<sup>(17)</sup><sup>21</sup>~~25~~. On August 8, 2007, UPS delivered a package from Ingram Micro, Jonestown, Pennsylvania to Liberty Defense Project, 22 Highland Ave, Randolph, VT 05060. The package contained a "6 in 1" safety light which appears to be similar to the that requested in item 5 on the "Supplies Needed List" in paragraph <sup>23</sup>~~29~~ <sup>(18)</sup> above.

<sup>(19)</sup><sup>24</sup>~~26~~. On August 11, 2007, the U.S. Postal Service delivered a first class letter to Liberty Defense Project, 22 Highland Ave, Randolph, VT 05060.

<sup>(20)</sup><sup>29</sup>~~27~~. On August 16, 2007, the U.S. Postal Service delivered a priority mail package (12"x12"x8") to Liberty Defense Project, 22 Highland Ave, Randolph, VT 05060.

<sup>(21)</sup><sup>30</sup>~~28~~. On August 15, 2007, a first class 10"x13" bubble pack envelope addressed to **Robert Wolffe**, 22 Highland Avenue, Randolph,

Vermont was recovered by USMS in immediate proximity to the Brown's residence on Center of Town Road, Plainfield, New Hampshire.

③ <sup>31</sup>~~29~~. On July 20, 2007, UPS delivered to **Robert Wolffe**, at 22 Highland Avenue, Randolph, Vermont 17 packages each weighing 30.1 pounds, totaling 511.7 pounds, of dehydrated food. The investigation has disclosed that these items were shipped from Walton Feed, Montpelier, Idaho. Observations have confirmed the stockpiling of provisions and munitions as well as generators, solar panels, and a wind turbine, on the Brown property.

③ <sup>32</sup>~~30~~. On June 13, 2007, **Robert Wolffe** was interviewed by the USMS. During that interview he acknowledged that he knew that Edward Brown was a convicted felon and that while he hoped for a peaceful resolution to the Brown matter, he, **Wolffe**, was prepared to fight for the Browns and die if necessary.

③ <sup>33</sup>~~31~~. On September 12, 2007 **Robert Wolffe** was indicted by a Grand Jury in the District of New Hampshire for violating Title 18, United States Code, Section 3, Accessory after the fact.

③ <sup>34</sup>~~32~~. **Robert Wolffe** was arrested by Deputy U.S. Marshals on that Indictment on September 12, 2007, and was transported to the United States District Court for the District of New Hampshire where he was held without bail pending a detention hearing.

③ <sup>35</sup>~~33~~. After **Robert Wolffe's** arrest Deputy U.S. Marshals interviewed his wife, Valerie Wolffe, at the residence. Present, and in plain view during the interview, were two rifles, one an

AK47 with two large capacity magazines (one appearing to be a 30 round magazine and the other appearing to be a 50 round magazine, both of which were fully loaded with what appeared to be live ammunition) sitting on the couch. During the interview Valerie Wolffe attempted to hide the AK47 with pillows on the couch where she sat. The other rifle was a Ruger Mini 14 which also had a loaded magazine with it. That second rifle was leaning against the wall in the living room. When asked what that gun, the Mini 14, was she responded, "a mini 14."

Q <sup>36</sup>~~34~~. Valerie Wolffe appeared to be cooperative during the interview. In response to questions she stated that she and her husband had been to the Browns about 12 times together and that her husband had been there several more times alone.

Q <sup>37</sup>~~35~~. Valerie Wolffe also stated that her husband had taken guns to the Browns and had fired them while at the Browns. It was clear to the Deputy interviewing her that the guns that had been taken to the Browns and fired had been brought back to their, the Wolffes', residence.

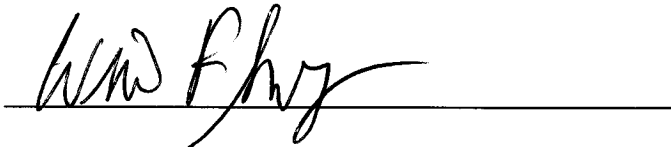
Q <sup>38</sup>~~36~~. Valerie Wolffe also stated that they, she and her husband, had delivered packages to the Browns that had been shipped to their, the Wolffes', residence.

Q <sup>39</sup>~~37~~. However, shortly that after the interview was concluded Valerie Wolffe, had given an on-air interview to a radio station that is sympathetic to the tax protestors' cause during which she

stated that Deputy Marshals had been to her house and had asked her questions including how many guns Bob (Robert Wolffe) had in the house, but that she refused to answer. She said that the Deputies told her that the next time they came to the house they could take the guns. The radio broadcast host then stated that the guns needed to be temporarily relocated before that happened. Since the radio host suggested to Valerie Wolffe, and any likeminded individuals who were listening to the broadcast, that the guns needed to be relocated before the Deputy Marshals came back, reasonable cause has been established to justify the execution of the Search Warrant sought herein during the nighttime and not waiting until 6:00 AM because the guns and ammunition that were seen in the house, and which are evidence of a crime, may be secreted away under cover of darkness during the night.

④ <sup>40</sup>~~38~~. I respectfully submit that there is probable cause to believe that there are items in the residence located at 22 Highland Avenue in Randolph, Vermont which are instrumentalities of the crime of Accessory after the fact. Specifically, Valerie Wolffe has acknowledged that she and her husband Robert Wolffe have transported rifles from their, the Wolfes', home to the Browns' residence and that her husband has fired those rifles while at the Browns' residence, knowing that federal arrest warrants have been issued for the Browns arrest. And rifles and ammunition were seen in the Wolffe residence by Deputy U.S. Marshals today, September

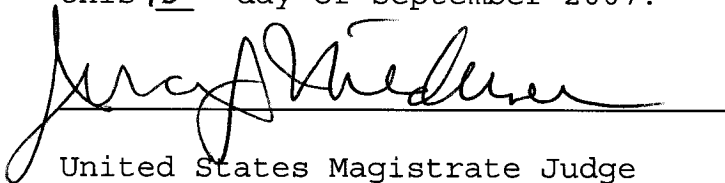
12, 2007. Further, as set forth above, Wolffe has been seen at the Browns residence on several occasions while armed with a handgun.

A handwritten signature in black ink, appearing to read "W. Gerke", written over a horizontal line.

**William Gerke**

Chief Deputy U.S. Marshal

Sworn to and subscribed before me  
this 13<sup>th</sup> day of September 2007.

A handwritten signature in black ink, appearing to read "J. A. [unclear]", written over a horizontal line.

United States Magistrate Judge